



Town of Jericho
Development Review Board

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Jericho Town Hall
Thursday, April 9, 2015

Minutes

Members Present: Barry King, Stephanie Hamilton, Wayne Hendee, Christopher West, Joe Flynn
Members Absent: None
Guests: Michelle Patrick (Zoning Administrator), Katherine Sonnick (Planning & Development Coordinator), Amy Richardson (Secretary)
Public: David Villeneuve, Mike Comeau, Catherine Timmer, Kristen Villeneuve, Brenda Villeneuve, Stuart Alexander, Bill Gardner, Brian Tremback, Grant Allendorf, Robin Bartlett, Debra Bell, Andrew Levi, Catherine McMains, Geoffrey Cole, Brian Stevens, Jim Carroll, Gretchen Daly, Brian Dreibelbis, Jeremy Farkas, Jeff Davis, Penny Miller, Peter Duval, Trent Statton

MEETING AGENDA

- A request by Grant Allendorf for a minor subdivision sketch plan review. The parcel is located at 3 Browns Trace Road in the Rural Residential Zoning District.
- A request by 41 WTC, LLC and David and Brenda Villeneuve for a boundary line adjustment, a conditional use review, an amendment to a previous DRB approval, a site plan review and a subdivision review. The proposed project would re-purpose an existing garage for use as a 17,600 square foot grocery store. The parcel is located at 364 Vermont Route 15, in the Village Center Zoning District.
- Minutes from March 12, 2015.

Mr. King called the public meeting to order at 7:00 p.m. He read the warning. He asked the members to disclose any conflicts of interest. Mr. West said he has done energy audit work for Mr. Allendorf, noting that he does not believe it will in any way impede his judgment. Mr. King read the Interested Persons Law. The public was sworn in at 7:05 p.m.

1. A request by Grant Allendorf for a minor subdivision sketch plan review. The parcel is located at 3 Browns Trace Road in the Rural Residential Zoning District.

Applicant's Presentation

Mr. Allendorf said the project was approved in May 2014, saying the fine print notes it expired and they needed to get a zoning permit within 180 days of approval, which they have not done. He asked what he needs to do to get an extension. Mr. King said they would look into it and let him know. Mr. Allendorf stated they are subdividing a six acre parcel at 3 Browns Trace Road for one primary reason: they cannot get insurance on the barn with it being attached to the house. He stated they tried twenty different agents and they want us to subdivide the property in half, form two LLCs, and then there will be no problem insuring it. He said that is pretty much the only purpose for subdividing it.

Mr. Tremback said in order to do the subdivision they need to meet the zoning requirements of 3 acres minimum and 200' of frontage to divide the house from the barn. He stated they have been able to achieve that by running a line through it, keeping most of the activities of the barn on the barn parcel and the rest of it with the house. He said the difficulty they had was getting the minimum 200' of frontage and what was left with the barn was only 192'. Mr. Tremback said they are also proposing a boundary line adjustment with the triangular piece of property along Route 15 that Mr. Allendorf has recently purchased. He said that allows them to achieve 253' of frontage with the barn lot and the house lot has frontage along Route 15 of 276' and 3 acres or more with each of the properties. He said the original 6 acre lot, cut in half with the addition of some land added through the boundary line adjustment brings it up above 6 acres a bit. Mr. Tremback stated that is what is being proposed.

Board Questions

Mr. King asked for clarification on the property lines. Mr. Tremback indicated them on the plan, noting that is about 1/3 acre. Mr. King asked whether the flagged piece was where the septic system is located. Mr. Tremback stated that is where the septic system is located, saying they thought it made sense to include the septic system with the barn lot and get that piece of frontage they needed to achieve the minimum 200'. Mr. Flynn asked if those are two lots. Mr. Tremback said they are. Mr. Flynn asked if this going to be connected with this. Mr. Tremback stated it will be connected with the barn lot.

Mr. Flynn asked if they incorporated the redesign of the intersection. Mr. Tremback said they did. Mr. Flynn asked about setbacks for the setback and the new right of way. Mr. Tremback stated they located the septic using vTrans project demarcation fence line, which is the line 10' outside of their work zone, as the limit to which any activities, including access is allowed. He said the project demarcation fence came right to the outer edge of one of the closest trenches.

Mr. King clarified the triangle piece involved in this boundary line adjustment has been encroached by that change of the right of way. He said from where you show the edge of Browns Trace Road there is a significant space to where you show the new property line. Mr. Tremback stated that are is what was leftover through the history of the roads and the giving up of Orr Road that connected down here. He said he believes there was also a reconfiguration of Browns Trace Road some years back, noting it is the leftover land from those road alignments. Mr. King clarified that is not considered part of the parcel; rather it is considered part of the right of way. Mr. Tremback said the flare out is part of the right of way. Mr. King clarified they have frontage along the right of way, but the right of way is significantly not at the edge of the road. He stated he wanted to get clear what the configuration was.

Mr. Hendee asked whether there are any plans for other buildings on the barn is on. Mr. Allendorf stated they do not. Ms. Hamilton said since they have to turn that into a private road because of the different lots. She asked if the Selectboard has to approve that. Mr. King stated it is a road versus street is the distinction. The DRB members discussed the matter with Ms. Sonnick. Mr. King said once the driveway to the house breaks off, the rest of it is only serving two. He said the first part of it serves three, which changes the public works standards. Ms. Sonnick said it is prior to final approval if she remembers correctly.

Mr. King said the question at sketch review is whether the DRB has concerns about upgrading that to cause that traffic to flow that way. He asked what changes the status of the road. Mr. West said it was only serving one house and the house behind it. Mr. Tremback stated it has to do with the number of lots that it serves. He said there are two lots in the back, the house was the third one, and now the barn is the fourth one. Ms. Hamilton clarified why that little part will become a road. Mr. King stated Sections 11.1.2 and 11.1.3 describe the difference. He said there are public works standards that are different for a private road versus a private driveway. He explained that in a final approval we would be talking about reclassifying it from a private driveway to a private road.

Ms. Hamilton stated her other question was whether the Selectboard will have to approve that. Ms. Sonnick said that is in Section 10.12.12.3.4 regarding final acceptance of all proposed streets and utilities. Mr. King said that is for a street. Mr. West said Section 11.1.3 roads are private unless otherwise approved by the Selectboard. He said whether it is a public road is what the Selectboard would have to vote on. Mr. King disagreed, saying we will need to cover that in the final review. He stated the question for sketch review is whether the configuration is of concern or is it going to be okay if we get the permits right. He said that is the relevant question at sketch review. Mr. King asked whether people have concerns about the configuration or the flow.

Ms. Patrick noted that because this land has been subdivided more, creating four lots in over a ten year period; it is now a major subdivision, rather than a minor subdivision that was applied for. Mr. King clarified the application was for a minor subdivision, but it is a major subdivision because of the number of lots created over a period of time. Ms. Sonnick stated that technically that requires preliminary and final review. Mr. King agreed, saying sometimes we combine them, but it is up to the applicant. He explained to the applicants that when they are applying for approval they will want to let us know how you want to do that because we will need to know that for the warning.

Mr. Flynn said this is a site plan. He asked if they will have a Surveyor. Mr. Tremback said yes, noting they need to go back to the State for water and wastewater permit amendments because it creates easements for both the lots for the water and wastewater systems. Mr. King stated there is no formal decision from sketch plan review, noting that all criteria for a major subdivision will be invoked during review.

- 2. A request by 41 WTC, LLC and David and Brenda Villeneuve for a boundary line adjustment, a conditional use review, an amendment to a previous DRB approval, a site plan review and a subdivision review. The proposed project would re-purpose an existing garage for use as a 17,600 square foot grocery store. The parcel is located at 364 Vermont Route 15, in the Village Center Zoning District.**

Applicant's Presentation

Mr. Davis started at Route 15, noting they will review what has changed since they were last here. He said in the green they had a proposed sidewalk diagonally across the green, but they cannot put a sidewalk over a septic system, so they revised that and added sidewalk along Route 15 and along the entrance to the property. He said they also had parallel parking along the green that was eliminated. Mr. Davis stated they had dead end parking that was also eliminated. He said the plan is to possibly put some tables and benches and planters there. He stated that with the elimination of this parking, the entrance moved a little to west which allowed adding two parking spots.

Mr. Davis said they also made up for some of the lost parking up above. He noted they added plantings. Mr. Statton said they are now submitting this as a subdivision outside of the existing Planned Unit Development (PUD). He said the property line has changed here, so there is a different boundary line adjustment since the last plan to meet the 64' impermeable requirement. He stated they will move these property lines to gain that. Mr. Davis said it will also make room for plantings. Mr. Statton agreed, saying they added some trees to follow a little with the master plan and future parking to get a start.

Mr. Davis displayed the landscaping plan, saying there was a discussion about creating view corridors through the landscaping, so it was revised. He indicated plantings on the north side, noting they added some green space and plantings, indicating the locations. He said site wise that is about it. Mr. Davis said one item that was of concern last time was the treatment of the façade partially facing Route 15. He stated they added more traditional windows on the gable end of that façade. He said the building, other than that, stayed the same. Mr. Davis said this is the color people liked. He said that is a general overview of the changes made to the site plan. He noted there are quite a few comments in the staff report they would like to go through. Ms. Sonnick said it is up to them, noting there is some repetition.

Mr. Davis stated there was a difference on page two with the acreage variation. Ms. Sonnick said there was an e-mail received that explains that. Mr. Davis addressed items one and two on page three, noting they talked about the changes to the sidewalk. Mr. King said it doesn't show on the landscape plan. Mr. Statton said it does, but it's a little hard to see. He increased the display so that the sidewalk could be seen. Mr. Davis addressed the next item about easements, noting a 10' easement along Route 15 was suggested. He asked Ms. Bell to discuss.

Ms. Bell said there is a discussion in the staff notes about Dickenson Street and what it will look like in the future. She said she doesn't think anyone really has a true understanding about where that will end up. She pointed out that the application is under the zoning ordinance that isn't the Character Based Code (CBC). Ms. Bell said when you look at Dickenson Street at some point in time it is likely you will be looking at the CBC that was developed and is governed in this area. She said the CBC in this area is character based, noting this area is CD4, neighborhood district. She stated the intent of the district is medium density with a mix of building types, retail and commercial uses.

Ms. Bell said this is a depiction right out of the ordinance of what CD4 is, so within the CBC there is a section called thoroughfares. She said thoroughfares are what the street typology is going to look like for each of these districts within this code. She stated those thoroughfares have to do with vehicle lanes, vehicle parking, relationship of vehicle spaces to pedestrian spaces and green spaces; it gives you a cross-section of what the street would typically look like. Ms. Bell said in the CD4 district, there are two street typology sections: neighborhood typology, which would typically used for the residential neighborhoods within this district; and Park Street typology, which is for mixed uses, for housing, retail, commercial, etc.

Ms. Bell said when you go to think about what you are going to do to Dickenson Street this is part of the tool box that has been given to the Town to consider when looking at that street cross-section. She discussed the cross section ranges, including: pavement width, drive lane width, parking lanes, planter widths, etc. She said the alphabetical symbols correlate to what is in the chart. Ms. Bell said when you take into consideration the dimensional standards in this chart and apply those to Dickenson Street, it fits within the box. She discussed each of the criteria compared to what is

proposed. She said they are questioning in their minds whether or not there is a need to offer up that 5' easement on this side of the street, when you take a look at the ordinance that is in place and everything fits within the three rod right of way. Mr. Davis stated having said that, they don't have a problem offering the 5' easement, but it would get into their storm retention basin and it would have to be contingent upon having another solution for stormwater. He said that would have to come first and if you, for some reason, needed that 5', they would be willing to offer that. He said they don't think you need it, but it is really up to you.

Ms. Hamilton asked if this is keeping it as a one-way. Ms. Bell said no, this is two directional. She said it meets the ordinance that you have in place. Mr. King asked them to go back to the descriptions they used about which type it might be. Ms. Bell said the two typologies were Park Street and neighborhood residential. She said they are still within the right of way, pavement width, lane travel widths, parking lanes on one or both sides, planter width, and walkway width ranges. She stated it seems to fit within both street typology types. Mr. Flynn asked if the underground utilities are all within the right of way. Ms. Bell answered yes.

Mr. Davis addressed item four, saying they took the parallel parking away. He addressed item five, which discusses the site lines for landscaping, which they have done. Mr. King noted that item six is related, specific to the west façade. Mr. Davis stated the last item talks about wall murals, which they would prefer not to do; they would rather keep it a solid painted color with trim and other components. He stated they wouldn't like to see that. He addressed item seven regarding plantings, saying they have already covered that and they meet those requirements.

Mr. Davis said item eight is the traffic study, saying that will continue. He said after they hopefully get approval here, they will go to vTrans. He stated vTrans has suggested a left turn lane, which they think may not be the best thing to do now. Mr. Davis said they think it would make sense to see what happens with the rest of the intersection and the rest of the development. He said they would like to count numbers to see if that is required. He noted the traffic study the Town hired was in general agreement, but questioned whether a left turn lane would be required. Mr. Hendee asked how long they would propose to wait to check on those. Mr. Davis responded that would be a condition of an approval to get a permit or an agreement with vTrans. He said that is whole other step for them, a continuation of the process.

Ms. Sonnick noted that because it is on Route 15, it is under the jurisdiction of the State. She said essentially it is a village setting with a lower speed limit. She said our consultant suggested that we may not want a turn lane there, so that traffic slows. Ms. Sonnick added that with a pedestrian crossing down at the Dickenson Street intersection, it is especially important to make sure that traffic isn't going through there too quickly. She said a turn lane could cause traffic to go faster and possibly reduce visibility at Dickenson Street for the pedestrian crossing. She stated it is actually a battle with vTrans to convince them. Mr. Davis said there have been some discussions. Ms. Sonnick agreed that they are willing to talk. She said she spoke with them about that and about access issues in general along Route 15; they said they would be happy to discuss what is best for the area and for long term planning.

Mr. King clarified that our part of this, the land use part; it is vTrans that is negotiating on what they would like to see as a configuration for this curb cut onto Route 15 and what the traffic flows are going to be. He said it also has to do with the whole intersection with Raceway Road and how the road will be configured. He stated they are concerned with that whole part of it and it is really not the

DRB's jurisdiction to decide that. Mr. King noted there would be a condition that it has to get settled and there has to be a permit, and the rest of the land use permit follows from that. He said we want to talk more about the internal access and the PUD, but that is not exactly the vTrans curb cut part of it. Mr. Davis said there are some items in the staff report they agree to and would like to skip over unless you want to stop us. Mr. King agreed, asking members and staff to stop the discussion if they have any questions.

Mr. Davis stated the sign permit would be a separate application. He addressed item thirteen, saying they listed the hours of operation, noting deliveries would start at 5 a.m. He addressed item fourteen, saying they talked about the different style windows. Mr. Davis addressed item fifteen, noting this is the wording you were leading up to as far as access to this project. He said the attorneys have worked out wording for the future. He said they understand the access they have is not going to be the access to the PUD through the parking lot; that this curb cut may remain with a different configuration, discussing some options.

Mr. Davis stated for right now this is the curb cut and access to the store. He said vTrans has said there is only one curb cut to this development, noting they are hoping they could get another one near the Church. He said the future will decide that as this property is developed. Mr. Davis said this is the wording they came up with to help you approve this while addressing the future. Mr. King said procedurally the Selectboard needed to approve the road configuration. He explained that in their process of deciding what they wanted and what they would approve, they went through this negotiation process with the lawyers to make sure what they chose to do made sense legally. He said the Selectboard came up with wording they would approve the road with this wording, which is what is being proposed as part of the application to the DRB.

Mr. Davis said something came up today that we need to talk about. He said they addressed traffic and parking associated with the market, not the existing condition the property is being used for. He said their assumption was that this access could still be used for the Park & Ride and for Mr. Villeneuve to access the back portion of his property. Mr. Davis said the use and traffic in this area for commuter and Mr. Villeneuve's periodic use is still going to be used from this curb cut. Mr. West said one of the original questions was whether or not the parking lot would still be used for the bus stop. He said he doesn't think we came up with an agreement or a clear decision made at that time.

Mr. King asked whether the Trudell study assumes the sum of the uses or not. Mr. Davis stated that neither of the traffic studies included the existing traffic associated with the Park & Ride. He said all of us would hate to see that go away, so that is why they brought it up. Mr. Farkas asked isn't there existing access onto Route 15 over here. He said it appears that this is all open right now, so it is not really a curb cut, this is property that Mr. Villeneuve owns and it appears you can drive from the road onto the property presently. Ms. Sonnick said there is a curb cut presently up there.

Mr. Villeneuve disagreed, saying you can't go there and they are not traveling there. He clarified there is a driveway that goes to the old house, but that doesn't get you through to the back lot. He said he needs to maintain access, which would be much less traffic than is currently occurring. Mr. Villeneuve discussed his current use, noting he would not increase that traffic for any new businesses or anything that would come in under the PUD. He stated the Chittenden County Transportation Authority (CCTA) and their bus line in the past worked with the Town and made their presentation to the DRB. He suggested the Town and CCTA resubmit an application to locate the parking alongside of the lot that is there, indicating the location. He noted that would fit with the Master Plan.

Mr. Villeneuve discussed how many cars he sees at the Park & Ride during a day, noting it averages seven to eight cars, with a high of fifteen and a low of two. He said they could bring that into the DRB and work with the Town to move the Park & Ride from where it is, over to that other area. He noted that would be temporary until it is redeveloped and they can determine where to go from there. Mr. Villeneuve stated all that he is asking is to still use it for his own access, noting he is not sure the language from the attorneys covers that. He stated he still needs to get in there until the next phase and there is no room to go across the lawn or anything. He said the best thing would be for them to conduct the traffic study and let them come up with a plan that will address it all.

Mr. King clarified whether they are proposing the language that was presented, or something different. Mr. Villeneuve said he doesn't know if the DRB or the attorney here has the understanding that he can still access his property using the current access the way that he has without any new business. Mr. Farkas said he understood this to mean that future access would be considered by the DRB and is not automatic. He said the future access would be using this curb cut, but he assumed that existing uses would be able to continue through this curb cut. He stated they need to get access to adjacent properties for their existing uses.

Ms. Sonnick stated her understanding, when the PUD part of this application was dropped, was that this was standalone and the parking lot on that back part wasn't going to be used. She said she understood that there would be signage put up stating that nothing should be accessed there. She stated that is her recollection of the discussion, so we weren't considering any access to other parts of the parcel. Ms. Sonnick said this language accurately describes what we were looking at for the future because the understanding was that it wouldn't be accessing other portions either.

Mr. King said this gets to the same question he had about Section 15. He said they have decided to drop this lot from the existing PUD, which is basically asking us to reconfigure the PUD. He stated this lot is presently part of a PUD. Mr. King said we are talking about reconfiguring the existing PUD, so it is relevant what the uses on the rest of the PUD are now and what they will be with this parcel removed from the PUD. He asked if this was covered in the negotiations with the Selectboard. Ms. Sonnick said the Selectboard was under the understanding that it wasn't a part of the PUD and that it was a separate parcel. She said she doesn't recall talking with them specifically about there not being signs back there. She said during all of the discussions, any through access was not part of the proposal and was not considered to be on the table at this point.

Mr. Flynn said the language prohibits from providing future access, but this is existing access and it would seem like it would still allow for it. Ms. Sonnick agreed that she thinks this language does do that. She said what maybe was absent from the staff notes is that it was the understanding this wouldn't be for through traffic currently. She stated it is two separate issues and it is up to you to decide what is okay for now.

Mr. West clarified the current use for the bus is not somewhere else on the PUD. He said moving the bus to the north could be considered a future use because it was not approved in a different location. He clarified that does not mean that Mr. Villeneuve couldn't access the rest of his property because he is doing that now and it is an existing use. Mr. Flynn asked where the other access is to the remaining land. Mr. Villeneuve said that is the only access they presently use, noting the rest has concrete barriers because of vandalism and theft. Mr. West asked if there was access off from River Road. Mr. Villeneuve stated he doesn't use any access besides this one. Ms. Sonnick said it looks

like there are two curb cuts that have been used in the past, further out on River Road. Mr. Villeneuve stated the technical name for that road is Steam Mill Road.

Ms. Hamilton asked if the language agreed upon would allow the bus parking to be located at the corner of Lot 1 and Lot 2, behind the parking, would it be for seven or eight spots. Mr. Villeneuve stated they would come before the DRB. He explained how the previous approval was handled, noting involvement of CCTA, the Selectboard, and Town staff. He stated he will give them space there, but they have to come to the DRB to request the change. Mr. Villeneuve said if this gets approved here, he would give CCTA three months notice. He said he wants to give them as long as possible and have the DRB address it to move the bus temporarily over there until they can see what else will be done on the property. He discussed the benefits of having the Park & Ride on the property.

Ms. Hamilton asked if they would have to enter right there on Route 15. Mr. Villeneuve agreed, saying that is the good thing about having this before because we made forty-something spots last time and they use 15 or 16 at most. He discussed the average usage. He stated it is an asset to have the bus and it would work into the whole project. Mr. Villeneuve said he is willing to work with everyone. Ms. Sonnick clarified that as the parking lot is proposed, it does not have additional parking for the Park & Ride. She said there is not an excess of parking, so that option wouldn't really work. Mr. Hendee noted the language includes the clause "unless otherwise modified and approved by the DRB pursuant to a new application". Ms. Hamilton said it doesn't close it off completely; they would just have to come back.

Mr. King said we are talking about what might happen in the future with another application. He said the question was about the rest of the PUD and that is relevant, but that is a different thing. He said we will have to come back and look at this access, including the wording that was agreed on for the proposal. Mr. King stated they may need to reconfigure the access built for this singleton lot in the context of the rest of the development when that happens. He said the Selectboard, because they needed to approve the road, worked through their concerns about this and agreed to the wording. He said if everyone agrees this is the wording that is being proposed, then we are being asked to approve or disapprove this wording. Mr. King clarified we are not being asked to change the wording; this is what you are proposing. Mr. Davis agreed.

Mr. King stated he cannot answer Mr. Villeneuve's question about whether the proposed wording will prevent him from going through the parking lot to access Lot 1. He said it looks like Mr. Villeneuve is right to be concerned, but he is not a lawyer. He stated it is not what we are being asked to decide tonight. Mr. King said the only question would be if we approve this wording and if Mr. Villeneuve decides to drive back and forth off the back of the parking lot into Lot 1, whether that makes Lot 3 no longer within their permit conditions. He said he cannot answer that because he is not a lawyer, but he doesn't want to set this up to fail.

Mr. King stated we are being asked to approve this particular wording and unless the members have a problem with the particular wording, we would adopt it as a condition. He said then the owners of Lot 3 would have to abide by it, discussing what that could mean. He noted it would not be the DRB's jurisdiction anymore. Mr. King stated this is what the Selectboard agreed to and the only question he has about it is that the traffic study clearly does not take into more cars going in and out of this curb cut than what are proposed based on the size of the market. He said if there is additional load on the driveway because of a Park & Ride or Mr. Villeneuve driving back and forth to get to Lot

1 or any other future use on Lot 1, then that is a different issue that is not addressed by the traffic study that we have. Mr. Davis said they will do counts that will prove that or not. Mr. King said he understands it is part of this design to do that because we are also concerned about whether the left turn lane needs to happen and it also informs the future designs on Raceway Road and Dickenson Street. He said part of the reason for this being an issue is that much of this we know is going to change in the future. He explained we are trying to not do something that will preclude a future improvement. Mr. King said that is what the PUD process is supposed to do as well, while it is your option to do this, you walked away from the PUD process. He said we are no longer considering the future use and ease of use of Lot 1 in the use of Lot 3; we are saying Lot 3 is going to do what it is approved to do and if that affects the access to Lot 1 that is not the problem in this approval.

Mr. King explained the PUD process would bring out what those issues are all together as part of the approval; this form doesn't do that. He said whatever the affects are on Lot 1 of drawing a property line around Lot 3 with approvals as they are, those affects are not considered in this proposal. He said if we approve this, it is not going to be considered. Mr. King stated Mr. Villeneuve brought this question up and we cannot answer it because it is not part of this approval. He said we have a proposal we have been asked to act on and unless someone wants to continue the hearing and change the proposal, this is what we are being asked to act on. He said it is unfortunate there is a question, noting there is no question about what is being proposed, so that is clear.

Mr. Davis addressed items sixteen and seventeen, noting they agreed with the conditions. Mr. King clarified these are pro forma interlocks with permits and certificates that will be conditions. Mr. Davis addressed item eighteen, noting the letter of intent with vTrans was touched on and hopefully they will get a revision. He addressed item nineteen, noting they agree. He stated twenty was satisfied. Mr. Davis addressed twenty-one was covered, that it is no longer part of the PUD. He said with item twenty-two, the legal documents would be done after approval.

Mr. King asked about the easements, noting it is relevant to the discussion about access. He stated there is no deeded right of way through Lot 3 to benefit Lot 1 as proposed. He said it doesn't make Lot 1 landlocked, but it does cut off access to Route 15. Mr. King noted that presently Lot 1 and Lot 3 are in the same ownership, so the right of way issue is moot; however, it won't be once Lot 3 is subdivided and changes ownership. He stated there is no right of way proposed here. Ms. Bell asked whether that was a statement or a question. Mr. King said it is a correct me if I'm wrong question. He said he doesn't see any rights of way on Lot 3 to benefit Lot 1. Mr. Davis stated that is correct. Mr. King said it is a relevant question about access to the rest of the property PUD now and in the future.

Mr. Flynn asked to return to the plat and the northeast corner of Lot 3. He asked about the text regarding proposed utility and access easement. He asked whether that is where the driveway is located and whether it is the access easement for Lot 1. Mr. Statton clarified that is for the future. He indicated the edge of the driveway and the property line. Ms. Bell said it indicates the underground utilities that will extend out. She said the easement serves the underground utilities. Mr. Statton noted it allows Mr. Villeneuve to hook onto this stuff. Mr. Flynn clarified whether it is an access, or not. Ms. Bell stated it is an access in case maintenance of the utilities is needed. She agreed that the language can be bolstered a bit in the legal documents that are presented with the final plan.

Mr. Flynn clarified the PUD is not on the table. Mr. Farkas stated there is an existing PUD, but they have taken this lot out of the PUD because discussion about what was going to happen with the rest of the PUD was so speculative at this point that we were getting a little bit bogged down in how to access improvements that haven't yet been proposed or designed. He said rather than spin our wheels for things to change in the future; they decided just to deal with this lot and the way it is being developed. He stated they have contemplated, in the future, that they would rejoin the PUD once the balance of the development was proposed for build out; once it is being considered holistically because something is actually being proposed for the rest of the property. Mr. Farkas said until then, they are just arguing with themselves over where to put access roads.

Mr. Flynn asked whether the stormwater pond will be owned in fee by the new owner of the grocery store. He also asked whether in the future there would be shared maintenance. Ms. Bell responded no, it was not designed for that, only for this parcel. Mr. Flynn clarified the whole system would be redesigned. Mr. Davis agreed, noting that hopefully there would be a place to put all of the stormwater. Ms. Hamilton asked if the leach field is sized for more than just the market. Mr. Davis said it is. Mr. Statton said the proposed septic that services the market. Ms. Hamilton clarified whether that is 150% capacity. Mr. Statton said it is. He said the dashed lines indicate an existing system that was never used. He explained the State agrees they can extend that and use it for future development, noting they are pretty substantial systems. Mr. Statton stated they are designed at 150%, which will allow some substantial buildings to hook onto that.

Mr. Farkas returned to item fifteen, clarifying that Mr. Villeneuve can access his property using this driveway for its existing uses. He stated it is understood that if CCTA changes the Park & Ride, that is a future use that is covered by DRB review. He stated Mr. Villeneuve can drive there over the driveway onto his property for the purposes which he does now, clarifying the access location is off from the driveway. Ms. Bell indicated the location on the plan. Mr. Villeneuve clarified where he would drive, noting he is not going to interfere with the traffic in the parking lot. Ms. Sonnick asked if there are trees proposed there. Mr. Davis responded that there are, but there are spots between the trees where he could gain access. Mr. Hendee asked if there is a swale in there. Mr. Davis stated they could put in a culvert if that is a concern, noting there is a slight swale there.

Mr. Hendee asked about another possible location for the Park & Ride. Mr. Davis stated they would have to come to the DRB and figure it out. He said that is a separate issue. Ms. Sonnick said if they would consider allowing Mr. Villeneuve to go into the entrance and whether there would need to be an access easement allowing him to do that off from Lot 3. Mr. West agreed. Mr. Villeneuve stated they have a language in the purchase and sale that allows him access to his property. Mr. Flynn asked if there is a reason he doesn't want to access off the end of the parking lot. Mr. Villeneuve said either way, noting that is all gravel. He stated they can choose a place where they won't interfere with the parking lot and traffic. He noted it will be a temporary thing. Mr. Villeneuve stated that in the future they will update the conceptual plan. He said he wanted to clarify that he has a right to access his property.

Mr. Davis addressed item twenty-two which talks about minor subdivisions. He said there was a discrepancy in lot sizes, which was covered. He said the next item is about the final paperwork which will be submitted before the permit and the following addresses the final plat. Mr. West noted they skipped over the boundary line adjustment. Mr. Davis agreed. Mr. West said we are now past the original conditions. Mr. Davis addressed the next item which requires the documents be submitted. He stated there are a number of points after that that they agree to, noting they are typical

requirements of any project. He stated it would not be a nuisance or a hazard. Mr. King asked what the lot coverage is. Ms. Bell said it is 60%. Mr. Davis stated he thinks they fit in and comply with the requirements. Ms. Sonnick agreed, saying the notes go through how it does fit, noting certain elements. Mr. Davis moved to the top of page 11 addressing pedestrian circulation and access to the building. He stated the proposal is not part of the PUD. He said the bottom of page 11 talks about the visual appearance of the building.

Mr. Davis said they already mentioned the seeding and landscaping treatments Mr. Comeau will do in the summer, spring, and fall. He addressed the last sentence on page 11 about landscaping along Dickenson Street being adequate, saying they think they have done that and it is shown on the landscaping plan. He discussed the shrubs, plantings, and trees, indicating the locations on the plan. Mr. Davis said he believes there is enough, but they were limited because of the storm retention pond. He said in the future they have offered that it could be filled in if another stormwater location is identified and additional plantings or benches could be put in. He said at this point, this is the best that they can do.

Mr. King stated we got a note from the technical review of the traffic study which questioned the turn radii to get up to the loading dock. Mr. Davis said they have a drawing that shows smaller and larger trucks. He stated the area they may be identifying is the three parking places for employee parking, which will have signage limiting parking during certain periods of time. He said the only conflict they see is with the size vehicles that may access this site. Mr. King asked if we have that drawing. Mr. Statton said you do not. Mr. Davis stated they can provide that. Ms. Hamilton clarified that signs will limit parking in those spots. Mr. Statton said they will be for employee parking only, so a delivery driver could go into the store for them to be moved if needed. He said there would be no parking between the hours of 5 a.m. and 8 a.m. Mr. Comeau stated deliveries are typically early morning and after that it is all smaller trucks that would come into play. Mr. Statton said this represents a 69' truck. Mr. Comeau said the biggest truck they would have would be 48', so it probably won't even come into play.

Mr. Davis moved to page 12 saying the first item talks about an easement on Dickenson Street. He said the plans to improve Dickenson Street may require a sidewalk, which they agree. He said the future of what is planned on Dickenson Street is unknown. Mr. Hendee said where the trucks turn in off of Route 15 into access looks like they would take up more than half of the access. Mr. Comeau said that is typical. Mr. Statton stated he encountered one on his way into work today. He said they are mostly early morning and probably not a truck of this size. He said they maxed it out to show what it could handle. Mr. Hendee clarified the deliveries are usually done by noon. Mr. Comeau said it is usually much earlier, noting the only eighteen-wheeler comes three times a week. He discussed the timing of deliveries, saying after that they will be smaller trucks. He said the major supplier comes three days a week.

Mr. Davis said regarding Dickenson Street and the sidewalk, Lamoureux and Dickinson had recommended putting it in now, which doesn't make sense because they have no idea where that sidewalk would be placed until the design is implemented. Ms. Hamilton asked if they would consider connecting it on the inside when Dickenson Street is developed. Mr. Davis agreed it might make more sense to connect here, indicating on the plan. He stated he doesn't think you want to ring the whole green with sidewalk, but it is not a bad idea for a sidewalk spur there. Ms. Hamilton asked if there are plantings there. Mr. Davis stated there are, noting that is a future question.

Ms. Hamilton said it would be too bad if you do end up doing some development and you end up with a big tree in the way. Mr. Davis said they have moved trees before, noting how it could be done. He said they would be agreeable to whatever design happens here, saying a spur could be added to the sidewalk in the future. He stated the on-site parking on the west side has been removed. Mr. Davis moved on to the traffic study, saying they disagree about the left turn signal. He said there is a statement suggesting they should put funds in escrow for future construction of a left turn lane; saying they don't think that is part of the DRB's responsibility to hold money to make sure that they work out an agreement with vTrans. He said they need to get approval and a permit from them and that is the guaranty; they don't think they need to put money in escrow.

Mr. Davis read the statement from the staff notes, saying they don't think they need to do that. Mr. King asked, if left turn lane needs to be built, who will pay for it. Mr. Davis responded that it would be a requirement of vTrans. Mr. Farkas noted that vTrans might require the escrow. The DRB members agreed. Mr. King said it is not a question of escrowing to the Town; it is a question of escrowing money in case it is needed for a change to the curb cut. He said what we are talking about is that issue which would be covered as part of the vTrans permitting, if need be. Mr. Davis addressed the next item saying the project will increase future traffic on Dickenson Street. He said Lamoureux and Dickinson recommend converting from one-way to two-way flow between Route 15 and the market's access and indicate this section of Dickenson Street should be paved past the market's proposed access. He indicated where the pavement currently ends.

Mr. Davis stated they put access in for the future, which they don't need as part of the grocery store. He said they have a couple options and they don't want to pave a Town road. He said they could: 1) leave it as is and allow it to be used as it is, one-way; 2) build it, but barricade it; or 3) not build this. Mr. Davis said they think it makes sense to build this for the future, but they would not like to be saddled with this pavement. Ms. Bell stated it makes sense to build it now for those customers who head back to Underhill, not forcing them to come back onto Route 15 and then come to Dickenson or another street to go back that way. She said they are limiting the number of turning movements on Route 15 that way. Mr. Flynn asked if it is not built would they gain parking spaces. Ms. Bell said probably not. Mr. Flynn asked if they would keep the island. Ms. Bell said probably.

Ms. Sonnick stated the traffic study didn't suggest it needed to be two-way on Dickenson Street either, just more of a "doesn't this make sense" comment rather than a requirement. She said we keep going back to what is Dickenson Street going to be in the future too. She said it doesn't make a lot of sense to make a lot of improvements on Dickenson Street when we don't know when the rest will be done and how it will be done. Ms. Sonnick said it was an item for consideration. Mr. Davis said the next item talks about the vTrans letter, which says only one access. He said it also talks about the pedestrian crosswalk and the obvious stuff like inspections. He stated the final plans show 30' to the immediate north, noting they can do this at the current location.

Ms. Sonnick said the way she read that is if Lot 2 is going to be further developed, vTrans would want to see that access closed off on Route 15 and it would have to tie in. She said they would want to have that easement secured, noting that is not a Town requirement, it is vTrans. Mr. Davis said renewable energy resources are typical of what they try to do with energy efficient lights and equipment. He stated they meet with Efficiency Vermont when they start designs to incorporate efficient items into process and they provide money back if do good job. He discussed the benefits of doing so, noting recommendations and incentives provided.

Mr. Davis addressed stores of hazardous materials, noting they would only have cleaners. He stated the septic system has a pretreatment system that treats the flow from the market to residential levels. He said there would be no hazardous materials stored here. He said the site plan development standards, sidewalks, and turning radius had already been addressed. Mr. Davis addressed the number of parking places, saying the plan shows 65 which meet the requirements. He moved to page 16 about handicapped spots, saying they talked about a waiver and decided not to take advantage of that, so they eliminated those parking spaces. He stated they have bike racks. Mr. Davis noted a number of other items previously addressed. He said the water allocation is good and the sewer was discussed.

Mr. King asked if the letters are in the file. Mr. Davis said yes. He said they already talked about landscaping, screening, buffers, and planting. He said the parking landscaping meets the number of trees required. Mr. Davis said there was some question about the species of plants, saying they will make sure they have plants that will survive. He stated it is in their best interest to make sure they survive. He said there are two items you may request surety for: 1) the sidewalk on Route 15, which the Town will take over maintenance of after three years; and 2) landscaping for three years to make sure the plants survive.

Mr. Davis said they propose a Letter of Credit or a bond, if required. He stated the dumpster has an enclosure. He said the outdoor lighting meets requirements, noting the LED fixtures are at the right height and the lighting on the building meets the requirements. Mr. Davis noted they are less foot candles than the maximum. He said the utilities are addressed on the plan and it talks about how the electricity comes in. He stated the stormwater meets requirements. Mr. Davis added they have an erosion control plan. He said they met all the requirements and performance standards, saying he thinks they addressed all the items.

Public Comment

Mr. King explained the process. He entered written public comment into the record, a letter from Stuart Alexander and a letter from the Town of Underhill.

Ms. McMains said she is the Chair of the Selectboard and is here on behalf of the Selectboard. She stated they had several productive meetings with the Developer. She said if the DRB approves this application, the Selectboard gives support to the project, provided one condition. Ms. McMains stated the condition is that the Route 15 access to the Jericho Country Market parking area as approved for this application be prohibited from providing future access to any adjacent parcels or use unless otherwise approved by the DRB pursuant to a new application; and any subsequently approved secondary access by and between adjacent parcels may require this approved access from Route 15 to be discontinued. She said as far as the Selectboard is concerned, the real issue is not to turn the center of that parking lot into a road.

Ms. Daly, a resident of Underhill, asked if a consequence of this could be that the bus did not have access in that general area, whether intended or unintended. She asked if it is possible, legal, to access the other part of Mr. Villeneuve's land from River Road, the parts that are not the market. She said if there is access to the PUD through the market for current purposes, would there be any limitations to the size or number of vehicles. Ms. Daly addressed the comment that because Dickenson Street isn't under discussion, possibly improving flow to Underhill Center isn't true because you have to turn toward Jolley and Browns River Middle School. She said regarding truck

traffic to the store, 7 a.m. to 8 a.m. is the time when waiting for a truck is not good; it is a busy time with commuter lines.

Mr. York expressed concern about kids coming over from school, saying they go to Jolley after and they will come after events. He asked how they will get there, discussing the possibilities. He said there are trees blocking the view. Mr. York asked that they anticipate kids coming over and anticipate how they can come over safely, noting he is not sure that is thought out in this plan.

Mr. King asked Ms. McMains whether the question about this access onto Dickenson Street was discussed when talking about approving the present configuration of the street. Ms. McMains said they have seen the plans where it has been there, but she doesn't think it was a real discussion. She said they left it to the engineer, lawyers, and staff. She said the way Dickenson Street is you are not going to want a big truck going in that direction right now. Ms. McMains said they didn't really deal with that. She stated they were really were concerned about safety of pedestrians trying to go to the store if using center of parking lot as a road.

Mr. King addressed public questions, saying there was a question about bus access. He said there was some discussion earlier. He said if this is approved and built as planned, what will happen to the access for bus. Ms. Daly clarified the question was whether one of the outcomes could be that there was not an allowance for the bus. Mr. West said he thinks Mr. Villeneuve answered that. Mr. King asked the applicant to answer that question. Mr. Villeneuve stated he will do everything in his power to cooperate with CCTA and the Town to see that service continues in our Town and on his property.

Mr. King said there was a question whether there is legal access onto other parcels in the PUD from River Road side. Mr. West said the answer is yes, but it is blocked right now. Mr. Villeneuve said he used to use that whole road, noting he has lived there off and on since he was 15 years old. He said presently the whole side is blocked due to vandalism. He said he cannot answer whether legally there is access in that location. Mr. King asked staff to comment on whether the road frontage along River Road has legal access to the lot. Ms. Sonnick said she didn't check easements, but there looks to be a curb cut. Mr. King asked, whether there is a curb cut presently or not, does it leave Lot 1 land locked because there is no access on Route 15. Ms. Sonnick said no, there is current access to Lot 1 on Route 15. She stated Lot 1 would have access on River Road and there is even a spot on Park Street where there could be access to the larger lot.

Mr. Flynn said on the River Road access the path goes right through there. He asked if that path was designed to be crossed there. He noted that typically when you cross like that you would reinforce the access. Mr. Flynn said they are showing access on it, but does it exist. Mr. Villeneuve stated they cross the pedestrian path from school. He said no one asked him to cross from school, but they do it there and he figured when the PUD moves forward they will continue to address that situation for people. Mr. Flynn said his concern is that there is curb cut there and if you start using that with heavy trucks you would damage that path. Mr. Villeneuve agreed, saying they don't want to open that. He stated it is very limited use. He said they agree that they will come back with any change in the use of the land.

Mr. King said the question about the size and the number of vehicles in present use was reiterated. He discussed access to Lot 1, noting the rest were comments. Mr. Flynn said we met for preliminary review and worked through a lot of stuff. He said this is a very different plan, noting he understands the changes to the green were due to wastewater issues. He asked if this is all due to public comment. Mr. Davis asked what major changes, noting they did change parking on the west side. Mr. Flynn said there

were parking changes and the parking lot is bigger. He said the last time we met the lot was as big as it could be but now it is a little bigger. He asked what prompted this. Mr. Davis said discussions with staff and the desire to eliminate parking on Route 15 side. He said they had to try to replace that parking. Mr. Flynn clarified that is why the lot grew in size. Mr. Davis said they thought people would be receptive to that change. Mr. Villeneuve stated a person from the Selectboard spoke with Mike Comeau and said if they were going to pass this, there would be a lot of opposition, so they came to the opposition. Mr. Davis said they tried to smooth it out. He stated they are excited about this and think the community is too. He said if they can make people a little happier, that is the goal. Mr. Flynn asked if it still works. Mr. Davis said it does, noting the indoor and outdoor seating will be nice.

Mr. Alexander said in the interest of time he would not read his letter. He noted it is supportive and he doesn't mind if it is shared with the applicant. Mr. King stated it is part of the public record and we will do that. Ms. Sonnick said the review of staff notes was pretty significant and there was only one thing that was not covered. She said on the lighting plan the symbols used for the goose neck and wall pack were the same, which was a little confusing. She said it would be great to have that revised. Ms. Sonnick said she thinks all of the other points were discussed. Ms. Patrick added that two petitions were received from the citizens of Jericho and Underhill. Mr. King stated they are in the record.

Mr. King closed the hearing. He said the applicants would receive a formal decision within 45 days, noting it is usually sooner.

3. Approval of meeting minutes from 03/12/2015.

On a motion by Mr. West, seconded by Ms. Hamilton, the DRB unanimously approved the minutes from March 12, 2015 as amended.

The Development Review Board entered deliberative session at 9:16 p.m.